



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, मंगलवार, 30 जुलाई, 2013/8 श्रावण, 1935

हिमाचल प्रदेश सरकार

LABOUR AND EMPLOYMENT DEPARTMENT

NOTIFICATION

Shimla-2, 29th July, 2013

No. Sharm (A) 7-1/2005-1V (Award) Shimla.—In exercise of the powers vested under section 17(1) of the Industrial Disputes Act, 1947, the Governor Himachal Pradesh is pleased to order the publication of awards of the following cases announced by the Presiding Officer, Labour

Court Shimla on the website of the Department of Labour & Employment of the Government of Himachal Pradesh:—

Sr. No.	Case No:	Title of the Case	Date of Award
1.	39/2010	Workers Union V/s The Manager Shivalik Hatcheries Nalagarh.	28-5-2013
2.	25/2012	Sh. Harender Thakur & Ors V/s M/s Omega electronic Scale Co. Ltd & Anr.	4-6-2013
3.	3/2012	Miss Nisha Sharma V/s M/s Solan Energy Saving Products Ltd.	4-6-2013
4.	4/2012	Miss Kamla V/s -do-	4-6-2013
5.	2/2012	Miss Kamla V/s -do-	4-6-2013
6.	63/2003	Sh. Ramesh Chand V/s D.F.O Renukaji.	7-6-2013
7.	4/2013	Sh. Gurdyal Singh V/s Product Director Gowthami Hydro Electric Chiregaon District Shimla.	12-6-2013
8.	3/2013	Sh. Glover Singh V/S -do-	12-6-2013
9.	2/2013	Sh. Sunil Kumar V/s -do-	12-6-2013
10.	1/2009	Sh. Lakshami Nand V/s M/s Asia The Dawn.	21-6-2013
11.	41/2011	Sh. Anil Sharma V/s The Manager, M/s Padmavati Balaji STPI, Kasumpti Shimla-9.	29-6-2013

By order,
Sd/-
Pr. Secretary.

**IN THE COURT OF A. S. JASWAL, PRESIDING JUDGE, HP INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT, SHIMLA**

Ref. No. : 41 of 2011.
Instituted on : 1.11.2011.
Decided on : 29.6.2013.

Anil Sharma R/o Ashwani Niwas, Near Dhalli Tunnel, Shimla-12

. .Petitioner.

VERSUS

The Manager, M/s Padmavati Balaji STPI, Kasumpti Shimla-9.

. .Respondent.

Reference under section 10 of the Industrial Disputes Act, 1947

AWARD

The reference for adjudication is as under :

“Whether the termination of services of Shri Anil Sharma, Customer Care Officer, as per demand notice drawing wages @ Rs. 3,000/- per month by the Manager M/s Padmavati Balaji STPI, Kasumpti Shimla-9 HP w.e.f. 31.1.2010 without complying with the provisions of the Industrial Disputes Act, 1947 is legal and justified? If not, to what back wages, service benefits and relief the above workman is entitled to from the above employer?”

Although, the notice has been served upon the petitioner, by way of affixation, as ordered by this Court, but neither he is present in person nor through counsel. In these circumstances, when the petitioner has failed to appear before this court, despite service, in order to challenge his termination of services w.e.f. 31.1.2010, this Court has been left with no other alternative but to hold that the termination of the services of the petitioner w.e.f. 31.1.2010, without complying with the provisions of the Industrial Disputes Act, 1947, as alleged, is not illegal and unjustified. Accordingly, for the failure of the petitioner to have appeared before this Court, in order to challenge his termination, despite service, the reference, aforesaid, is decided against him. Let a copy of this award be sent to the appropriate government for publication in the official gazette. File, after completion, be consigned to records.

Announced:
29-6-2013

Sd/-
Presiding Judge,
Labour Court, Shimla.

IN THE COURT OF A.S. JASWAL, PRESIDING JUDGE, HP INDUSTRIAL TRIBUNAL CUM-LABOUR COURT, SHIMLA CAMP AT SOLAN

Ref. No. : 3 of 2013.
Instituted on : 27-2-2013.
Decided on : 12-6-2013.

Glover Singh s/o Shri Amar Dutt, R/o Village and IPO Gaonsari, Teh. Chirgaon, Distt. Shimla, H.P. . *Petitioner.*

VERSUS

The Project Director, Gowthami Hydro Electric Co. Pvt. Ltd. Andhra Stage-II VPO Gushali, Tehsil Chirgaon, District Shimla, H.P. . *Respondent.*

Reference under section 10 of the Industrial Disputes Act, 1947

For petitioner : In person.
For respondent : Shri Ramesh, AR.

AWARD

The reference for adjudication is as under :

"Whether termination of the services of Shri Glover Singh S/o Shri Amar Dut R/o VPO Gaonsari, Tehsil, Chirgaon, District Shimla, HP by the Project Director, Gowthami Hydro Electric Co. Pvt. Ltd., Andhra Stage-I VPO Gushali, Tehsil Chirgaon, District Shimla, HP w.e.f. 14.10.2011 without complying the provisions of the Industrial Disputes Act, 1947 is legal and justified? If not, what amount of back wages, seniority, past service benefits and compensation the above Ex- worker is entitled to from the above employer?"

2. Consequent upon the receipt of aforesaid reference, in this Court, notices were issued to the parties and in response thereof, Shri Gurdial Singh (Petitioner) put his presence. On behalf of respondent, Shri Ramesh, AR had appeared. As per order dated 15/5/2013, this case was listed for settlement for today i.e 12.6.2013.

Before this Court, it was stated by the petitioner (Gurdial Singh) that a settlement has already been effected between the parties. To this effect, his statement recorded separately.

Since, a settlement has already taken place between the parties, the reference, which has been made to this Court by the appropriate government, stands answered accordingly. Let a copy of this award be sent to the appropriate government for publication in official gazette. File, after completion be consigned to records.

A. S. JASWAL,
Presiding Judge.
Labour Court, Shimla.

**IN THE COURT OF A.S. JASWAL, PRESIDING JUDGE, HP INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT, SHIMLA**

Ref. No. : 1 of 2009.
Instituted on : 16-1-2009.
Decided on : 21-6-2013.

Laxami Nand s/o Late Shri Chet Ram, Village Chalama, P.O. Matrani, Tehsil, Arki Distt. Solan, H.P. . *Petitioner.*

VERSUS

The Managing Director/General Manager, M/s Hotel Asia The Down, Shimla-171010, H.P. . *Respondent.*

Reference under section 10 of the Industrial Disputes Act, 1947

For petitioner : Shri Hemant Vaid, Advocate
For respondent : Shri Vivek Sharma, Advocate

AWARD

The reference for adjudication is as under :

1. "Whether the enquiry conducted by the management of Hotel Asia The Down, Shimla-171010, H.P. against Shri Laxmi Nand S/o Late Shri Chet Ram is fair and justified and based on the principle of natural justice ? If not, whether action taken on the basis of such enquiry is illegal and unjustified?"
 2. "Whether the punishment of dismissal from service, imposed on Shri Laxami Nand S/o late Shri Chet Ram w.e.f. 23-4-2007 is proportionate to his misconduct proved in the enquiry ? If not, whether the orders of dismissal from service of above worker deserve to be quashed ? If yes, what other relief including seniority, wages from the date of dismissal to the date of reinstatement the above worker is entitled to from the Hotel Management ?"
2. The contention of the petitioner is to this effect that for the last more than eighteen years, he had been working as Plumber with Hotel Asia The Down (hereinafter referred as Hotel/respondent). On false and flimsy grounds, his services were dispensed with by the respondent, pursuant to false, fake and illegal enquiry dated 23.4.2007. In fact, the enquiry had been initiated on the basis of letter dated 29.12.2005 on the following two articles:
- (i) "It has been reported to me that you refused to check the water level of the water storage tank of the Hotel at 2.30 PM on 28.12.2005.
 - (ii) On my routine round at 3.00 PM on 28.12.2005 of the engineer department, I found you sitting around a alive Charcoal Shigry, after stealing Hotel Charcoal from Charcoal Storage Place meant for Hotel Tandoor."

On the basis of the aforesaid two imputations, punishment was awarded to him. It is alleged that for the last eighteen years he had been performing his duties honestly and to the satisfaction of the respondent. However, with motivated designs, he was made to suffer unnecessarily. The allegations, as made against him, clearly revealed that the management wanted to accommodate some persons by making him scape-goat. In fact, the allegations did not warrant an enquiry. Apart from it, the enquiry conducted by the management, is biased, besides the enquiry officer being interested in the cause of the management. For this reason, he (enquiry officer) did not act as an honest quasi-judicial functionary. Moreover, as per the principles of natural justice, he could not have acted as enquiry officer for his being part and parcel of the management. The enquiry officer did not allow him (petitioner) the assistance of a proper defending officer. Even, the statement of witnesses, were recorded at his back and that the same, did not inspire confidence. It is also said that the witnesses, under the pressure of the management, had not given true account of the alleged incident. The enquiry further goes to show that it is a mere eye-wash because the petitioner was not afforded a chance to defend himself. For leading defence evidence, no opportunity had been afforded. He was also not given an opportunity to cross-examine the witnesses. The order under challenge is violative of section 25 of the Industrial Disputes Act, 1947 (hereinafter referred as Act), because the principles of "last come first go" was ignored. Apart from this, persons junior to him are still working with the respondent. No such record/document had been brought which could go to show that at the relevant time, the petitioner was duty bound to check the water level and that it was a case of dereliction of duties. The allegation that he, along-with co-workers, had stolen the Charcoal is totally wrong. In fact the wood had been collected from the Jungle, so, that fire could have been lit in order to warm themselves in the cold weather of the month of December. It was the duty of the management to have provided the workers with heating facilities. There is no proof, on

record, that Charcoal had been stolen from the store. Against this backdrop, a prayer has been made for getting the order dated 23.4.2009 set aside and to direct the respondent to reinstate him with all consequential benefits.

3. On having raised various preliminary objections, including maintainability, estoppel and that the petition is bad for non-joinder of necessary parties, the respondent has also contested the claim of the petitioner on the plea that the enquiry against the petitioner had been conducted, as per the provisions of law, on the basis of true allegations. It has been specifically denied that the enquiry officer was interested in the cause of the management. The petitioner had been given every opportunity to lead his evidence which he did not lead. It is further averred that on having conducted a proper and fair enquiry, the petitioner, along-with co-workers, had been removed from service. The management had chargesheeted the petitioner, along-with Dalu Ram (Mali) and Sandeep Chauhan (senior security guard), vide chargesheet dated 13.3.2006 for alleged dereliction of duties amounting to misconduct. The domestic enquiry had been conducted by Shri B.N Gupta, Advocate. During the course of enquiry, the petitioner did not raise any objection against the appointment and conduct of the enquiry officer. He even admitted the charges against him during the course of enquiry. It has further been asserted that the petitioner had been habitual delinquent and was found indulging in indiscipline since he joined the duties. Firstly, he had been given memo on 24.3.1991 for habitual absenteeism. Thereafter, on 18.5.1991, 27.5.1991, 26.7.1993, 9.11.1994, 23.11.1995 and 27.11.1995, he was issued memos. On 8.2.1994, he had been found under the influence of liquor in the Hotel premises during duty hours. On 6.1.1996, he was again issued memo as he was found consuming liquor in the staff quarters which was not allowed as per the standing orders, applicable to the Hotel employees. Once, he had been involved in a criminal case with other employees of the Hotel and with the intervention of the management, the matter was resolved amicably. At Police Station Boileuganj, FIR had been registered against the petitioner. It is further averred that the removal, from service, was the right punishment for the petitioner who had a checkered past service record. It has been denied that the respondent wanted to accommodate some other person. Since, the allegations against the petitioner were of serious nature, the same required, an impartial enquiry, to go into the same. It is further said that the petitioner had been afforded proper opportunities to defend himself. The reply which had been filed by him, to the chargesheet, was properly considered. No witnesses had been recorded at the back of the petitioner. The petitioner, along-with other co-delinquent employees, had signed all the proceedings of the enquiry. At that time, they had neither raised any objection regarding the conduct of the enquiry officer nor about the procedure adopted by him. In the enquiry, the allegations of theft, absenteeism and refusal to work had been duly proved against the petitioner which amounted to misconduct. Thus, his removal from service was legal. Since, the present dispute pertains to misconduct of a workman, which stood duly proved by an independent enquiry, there was no violation of section 25 of the Act. For this reason, question of junior workmen working with the respondent, does not arise. As the petitioner had been found involved in gross misconduct, the question of retrenchment benefits did not arise. Other allegations denied.

4. By filing rejoinder, the petitioner reaffirmed his on allegations by denying those of the respondent.

5. The pleadings of the parties gave rise to the following issues which were struck on 15-5-2010.

1. Whether the enquiry conducted against the petitioner is fair and justified ? . . . OPR.
2. If issue No. 1 is proved, whether the punishment of dismissal from service, imposed on the petitioner is proportionate to his misconduct ? . . . OPR.
3. If issue No. 1 is not proved, to what service benefits, the petitioner is entitled to ? . . . OPR.

4. Relief.

6. I have heard the learned counsel for the parties and have also gone through the record of the case carefully.

7. For the reasons to be recorded hereinafter while discussing issues for determination, my findings on the aforesaid issues are as under.

Issue No. 1 No.

Issue No. 2 Becomes redundant.

Issue No. 3 Entitled to reinstatement in service with seniority and continuity along-with back wages @ 25%.

Relief. Reference answered in favour of the petitioner per operative part of award.

8. For the respondent, it has been urged that on the basis of fair and proper domestic enquiry, the charges against the petitioner stood proved and in consequence thereof, his services were rightly dispensed with. Ld. Counsel further urged that the petitioner had been afforded several opportunities to defend himself, in the enquiry proceedings. He was also afforded opportunity to cross-examine the witnesses, produced by the management, but he failed to do the needful. In these circumstances, when every reasonable opportunity had been afforded to the petitioner to defend himself, in the enquiry proceedings, it cannot be said that the enquiry, which had been conducted against him, is not fair and proper.

9. On the other hand, it has been submitted on behalf of petitioner that he (petitioner) had been deprived to get availed the services of defence assistant in order to defend himself, in the enquiry proceedings. Even, the witnesses had been examined at his back and for this reason, he was deprived to cross-examine them. Ld. Counsel further urged that the enquiry which had been conducted against the petitioner was not fair because the management had inclined to dispense with his services, so that some other person could have been engaged in his place. Even the charges, which had been leveled against him were false and that the same could not be proved, during the enquiry proceedings, from the alleged evidence led by the management.

10. When, the reply filed by the respondent is considered, it is highlighted that various memos had been issued to the petitioner by the respondent management. The allegations against the petitioner are that on 28.12.2005, he had refused to check the water level of the water storage tank of the Hotel at 2.30 PM and further that on same day at about 3.00PM, he had been found sitting around a Charcoal Shigry which had been lit on having allegedly stolen Charcoal from the storage place meant for keeping Charcoal for Hotel Tandoor.

11. It has been stated by Shri D.R. Thakur (RW-1) that Ex. RW-1/A (objected to) is the enquiry report. His evidence further goes to show that in the enquiry proceedings, he was the presenting officer. His evidence further shows that the petitioner had used coal of the Hotel for enjoying fire in the open and did not comply with the directions to perform duties during duty hours. In this regard, Shri Prem Sharma had made a written complaint and during enquiry proceedings, his statement was also recorded. He (RW-1) further stated that the Charcoal stock is kept in the store in the custody of security guard. Regarding daily consumption of Charcoal, the record is maintained. Regarding theft of the charcoal, there is no record. He cannot tell regarding the exact quantity of charcoal which had been stolen. The petitioner had not been provided defence assistant because as per rules, the delinquent has to defend himself and no outsider or other defence

asistant can be provided. Although, there is a job description chart of the petitioner but the same, he did not bring.

12. Shri B.N Gupta, Advocate (RW-2) had been appointed as enquiry officer by the management of the Hotel. His enquiry report is Ex. RW-1/A which he had submitted to the management along-with the proceedings of the enquiry as well as the evidence recorded at that time. The petitioner had signed each statement. In the cross-examination, he stated that as per written letter, he had been appointed as an enquiry officer, while being in active practice as an Advocate. To the delinquent, he had supplied copy of order sheets of each date of hearing. He (delinquent) had also been afforded opportunity to avail the services of defence assistant in order to defend himself during the enquiry proceedings. He admitted that Ex. RW-1/A (enquiry report) is against S/Shri Laxami Nand (petitioner), Dula Ram (Mali) and Sandeep Chauhan (senior security guard). Statement Ex. DX, is in his hand and it does not reveal the name of the delinquent. He does not remember that whether during enquiry proceedings, he had got obtained the chart, pertaining to the duties of the petitioner, or not. The document Ex. DY is also in his hand and it pertains to delinquent Dula Ram. Signatures of petitioner were obtained on Ex. DY because its copy had been supplied to him.

13. The petitioner (PW-1) in his chief-examination has filed his affidavit Ex. PW-1/A wherein, he has supported the facts as made in the claim petition, including that he had not been afforded any opportunity for getting appointed a defence assistant. He was also not given any chance to cross-examine the witnesses. Besides, the relevant documents had not been supplied to him either before or during the enquiry. He further stated that the enquiry had been conducted for getting him removed from the services illegally. In the cross-examination, he denied to have received memos mark 1 and mark 2. In his presence, no enquiry had been conducted by Shri B.N Gupta, Advocate. He admitted his signatures on statements annexed with enquiry report at points encircled A, B, C, D, E, F, G and H. He explained to have signed those documents as witness. He denied to have committed the theft of the Charcoal and further to have remained absent during duty hours. He further denied that during enquiry, he had been given full opportunity to defend himself.

14. When regard is given to the evidence of Shri B. N. Gupta, Advocate (RW-2), who had been appointed as an enquiry officer, by the management, it is highlighted that the delinquent (petitioner) had been offered to get appointed a defence assistant/officer. His such version has not been supported by Shri D.R Thakur (RW-1) who says himself to be the presenting officer in the case. According to him, petitioner had not been provided defence assistant, for the reason that as per the house rules, he was required to defend himself. Here, I would like to point out that when the documents, annexed with enquiry report, Ex. RW-1/A, are carefully perused, it is abundantly clear that he (petitioner) had not been apprised of his right to have availed the services of a defence assistant, in order to defend himself, during enquiry proceedings. Although, in the statement of the petitioner (Laxami Nand), which had been recorded by the enquiry officer (B.N Gupta, Advocate) it has been stated that he (petitioner) did not want to get appointed a defence assistant to defend himself, during the enquiry proceedings, but from this alleged statement, it is not proved that the delinquent (petitioner) had been apprised of his legal right to have availed the services of a defence assistant. His alleged composite statement which pertains to different facts is not sufficient to show that he had been made known about his legal right to have got availed the services of defence assistant, in order to defend himself, during the enquiry proceedings. In order to prove the allegations against delinquent (petitioner), the management had examined Sanjay Negi, Resident Manager, Shri Dhani Ram, Senior Manager Accounts, Shri Sureshwar Nand and Prem Sharma. Their statements go to show that they had not been subjected to cross-examination by the petitioner. It has been mentioned that opportunity had been given to cross-examine the witnesses but the same was not availed. In my view, the enquiry which had been conducted by Shri B.N Gupta, Advocate (enquiry officer) was not fair because it was his duty to have taken steps for getting appointed a defence

asistant to the petitioner so that he could have defended himself during enquiry proceedings. Had it been so, then the witnesses, who had been examined by the management, as aforesaid, were to be cross-examined on behalf of the petitioner. Here, I would also like to point out that there is no such evidence which had been led before the enquiry officer (B.N Gupta) that either the petitioner (Laxami Nand) or co-workers Dula ram and Sandeep Chauhan had stolen charcoal from the store of the Hotel. In fact, there was no such report regarding theft of the charcoal from the store of the Hotel. It is further to be observed that allegation against the petitioner, along-with co-workers, is to this effect that they had been found while warming themselves, on having lit charcoal, in Shigry. The alleged incident pertained to the month of December (28.12.2005). The contention of the petitioner is that he, along-with co-workers, had collected wood from the Jungle and by lighting the same, they were warming themselves. In the absence of theft of Charcoal, from the store of the Hotel, the version of the petitioner, in this regard, appears to be acceptable/believable.

15. Another allegation against the petitioner is that he had refused to check the water level of the water storage tank of the Hotel. During enquiry proceedings, no such document had been produced which could go to show as to what were the duties of the petitioner which he was required to perform as Plumber. From that duty chart, it could have been known as to whether, the petitioner was required to check the water level of the water storage tank or not. I may further like to point out that when enquiry report, Ex. RW- 1/A, is gone through carefully, it is highlighted that the same pertains to the petitioner (Laxmi Nand) along-with Dula Ram and Sandeep Chauhan. For the sake of fair and proper enquiry, it was required that there should have been separate enquiries against the aforesaid three delinquents and against each there should have been separate enquiry reports. The manner, in which the statement of the witnesses had been recorded by the enquiry officer, particularly Ex. DX and Ex. DY, goes to show that that the same had been recorded against all the three delinquents including the petitioner. For the sake of fair and proper enquiry, the statement of witnesses were required to be recorded separately against each of the delinquent, including the petitioner. Here, I would like to point out that the charges against the petitioner were to have failed to check the water level and that he was found sitting near alive charcoal Shigry. The charges against Dula Ram (mali) were to have neglected in his duties by sitting out-side the maintenance room, along-with petitioner (Laxami Nand), around the shigry and to have stolen charcoal from the store of Hotel. Charge against Sandeep Chauhan, another co-worker was regarding to have neglected to perform his duties. This goes to show that there had been different charges against the co- workers including the petitioner against whom the enquiry had been conducted by Shri B.N Gupta, Advocate as per report Ex. RW-1/A.

16. Before, I proceed further, it needs to be stated as to what are the requirements of the principles of natural justice. The same are : (i) workman should know the nature of the complaint of accusation (i) an opportunity to state his case (i) the management should act in good faith which means that the action of the management should be fair, reasonable and just.

17. In the instant case, when the principles of natural justice which were required to be observed by the enquiry officer (Sh. B.N. Gupta, Advocate) are considered, the same cannot be said to have been fulfilled/satisfied. Since, the petitioner had not been afforded an opportunity to get availed the services of a defence assistant, he was not in a position to state his case before the enquiry officer during the enquiry proceedings. Here, I would like to point out that to get the enquiry conducted against the petitioner, the management had appointed the enquiry officer who had been in active practice as an Advocate. In the affidavit, Ex. PW-1/A, of the petitioner, it has come that the respondent management had got conducted the enquiry against him on artificial charges which did not amount to dereliction of duties. He further made it clear that no opportunity had been given to him for getting appointed a defence assistant in order to defend himself in the enquiry proceeding. The manner, in which, the enquiry had been conducted against the petitioner, along with co-workers, for the alleged charges goes to show that even from the evidence which was

led before the enquiry officer, the charges had remained unproved. Here, I may point out that without having established that the petitioner had stolen the charcoal from the store of the Hotel, the charge no 2 against him, could not have been proved. Similarly, charge no 1 also remained unproved in the absence of such document/documents which could have gone to show as to what were the duties of the petitioner, being a Plumber. It has been alleged by the petitioner, in his claim petition, that on false and flimsy grounds, he had been chargesheeted and further that the enquiry had been got conducted against him in an illegal manner. When such assertion of the petitioner is considered, on the face of the material of the record, it can be said that the management had not acted in good faith against him and that its action cannot be said to be fair, reasonable and just.

18. Consequently, for what has been stated hereinabove, I disagree with the respondent that a fair and proper enquiry had been conducted against the petitioner and that on its basis his services had been rightly dispensed with/ terminated. On the other hand, the contention advanced on behalf of the petitioner that the enquiry which had been conducted against the petitioner fails to satisfy the requirements of principles of natural justice, requires to be accepted. Since, the principle of natural justice had not been followed/complied with while conducting enquiry against the petitioner, I hold that the same is not fair and justified. Accordingly, my answer to this issue is “no”.

Issue No. 2.

14. Since, the respondent has failed to prove issue no 1, this issue becomes redundant.

Issue No. 3

A prayer has been made by the petitioner to reinstate him in service and also to direct the respondent to pay him emoluments of pay from the date of removal till reinstatement with all other dues of pay etc. Since, while deciding issue no. 1, above, it has been held by me that the enquiry which had been conducted against the petitioner was not fair and proper, as per the principles of natural justice, his removal/ dismissal from services with effect from 23.4.2007 is required to be set aside and the same is set aside. The petitioner deserves to be reinstated in service with seniority and continuity along with back wages @ 25%. Accordingly, this issue is answered in favour of petitioner.

Relief

As a sequel to my findings on the aforesaid issues, the claim of the petitioner is allowed and the petitioner is ordered to be reinstated in service with seniority and continuity along with back wages @ 25%. Consequently, the reference stands answered in favour of petitioner and against the respondent. Let a copy of this award be sent to the appropriate government for publication in official gazette. File, after completion be consigned to records.

Announced in the open court today this day of 21st June, 2013 in the presence of parties counsels.

A. S. JASWAL,
Presiding Judge.
Industrial Tribunal-cum
Labour Court, Shimla.

**IN THE COURT OF A.S JASWAL, PRESIDING JUDGE, INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, SHIMLA**

Ref. No. : 2 of 2012.
Instituted on : 11.1.2012.
Decided on : 4.6.2012.

Kamla D/o Sh. Raju Village Jagat Khanna P.O Ghattie , Tehsil & District Solan, HP.

. . Petitioner.

VERSUS

The Managing Director, Solan Energy Saving Products (P) Ltd., Near HFCL Chambaghat, Tehsil & District Solan, HP.

. Respondent.

Reference under section 10 of the Industrial Disputes Act, 1947.

For petitioner : Shri J.C Bhardwaj, AR.
For respondent : Shri Neeraj Bhardwaj, Advocate

AWARD

The reference for adjudication is as under:

“Whether the termination of services of Smt. Nisha Sharma W/o Shri Dev Dutt, Village Ber-Gaon, P.O Chambaghat, Tehsil & District Solan, HP by the Managing director M/s solasn Energy Saving Products (P) Ltd., near HFCL Chambaghat, Tehsil & District Solan, HP w.e.f. 7.4.2010 without serving chargesheet, without holding enquiry and without complying with the provisions of the Industrial disputes Act, 1947 is proper and justified? If not, to what back wages, service benefits and relief the above named workman is entitled to from the above employer?”

2. Consequent upon the receipt of reference in this court from appropriate government, notices were issued to the petitioner as well as respondent. Whereas, on behalf of petitioner Shri J.C Bhardwaj, AR has put his presence, on behalf of respondent, Shri Pankaj Sharma appeared.

3. Although, several opportunities were given to the petitioner to file the claim petition but the needful was not done. The repeated failure of the petitioner to have done the needful led this Court to believe/assume that she is not interested to assail/challenge her termination of services w.e.f. 7.4.2010 by the respondent. Consequently, for her failure to have done the needful, there is no material whatsoever before this Court to arrive at conclusion that her termination of services w.e.f. 7.4.2010 is improper and unjustified. Thus, this reference stands answered accordingly. Let a copy of this award be sent to the appropriate government for publication in the official gazette. File, after completion, be consigned to records.

Announced in the open court today on this 4th Day of June, 2013.

A. S. JASWAL,
Presiding Judge.
Industrial Tribunal-cum
Labour Court, Shimla.

**IN THE COURT OF A. S. JASWAL, PRESIDING JUDGE, INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, SHIMLA**

Ref. No. : 4 of 2012.
Instituted on : 11.1.2012.
Decided on : 4.6.2012.

Miss Kamla D/o Sh Nain Singh Village Shattal P.O Deothi, Tehsil & District Solan, HP.
..Petitioner.

VERSUS

The Managing Director, Solan Energy Saving Products (P) Ltd., Near HFCL Chambaghat, Tehsil & District Solan, HP. .Respondent.

Reference under section 10 of the Industrial Disputes Act, 1947.

For petitioner : Shri J. C. Bhardwaj, AR.
For respondent : Shri Neeraj Bhardwaj, Advocate

AWARD

The reference for adjudication is as under:

“Whether the termination of services of Smt. Nisha Sharma w/o Shri Dev Dutt, Village Ber-Gaon, P.O Chambaghat, Tehsil & District Solan, HP by the Managing director M/s solasn Energy Saving Products (P) Ltd., near HFCL Chambaghat, Tehsil & District Solan, HP w.e.f. 7.4.2010 without serving chargesheet, without holding enquiry and without complying with the provisions of the Industrial disputes Act, 1947 is proper and justified? If not, to what back wages, service benefits and relief the above named workman is entitled to from the above employer?”

2. Consequent upon the receipt of reference in this court from appropriate government, notices were issued to the petitioner as well as respondent. Whereas, on behalf of petitioner Shri J.C Bhardwaj, AR has put his presence, on behalf of respondent, Shri Pankaj Sharma appeared.

3. Although, several opportunities were given to the petitioner to file the claim petition but the needful was not done. The repeated failure of the petitioner to have done the needful led this Court to believe/assume that she is not interested to assail/challenge her termination of services w.e.f. 7.4.2010 by the respondent. Consequently, for her failure to have done the needful, there is no material whatsoever before this Court to arrive at conclusion that her termination of services w.e.f. 7.4.2010 is improper and unjustified. Thus, this reference stands answered accordingly. Let a copy of this award be sent to the appropriate government for publication in the official gazette. File, after completion, be consigned to records.

Announced in the open court today on this 4th Day of June, 2013.

A. S. JASWAL,
Presiding Judge.
Industrial Tribunal-cum
Labour Court, Shimla Camp at Solan.

**IN THE COURT OF A. S. JASWAL, PRESIDING JUDGE, INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, SHIMLA**

Ref. No. : 25 of 2012.
Instituted on : 14.6.2012.
Decided on : 4.6.2012.

Narender Thakur and 17 other workmen C/o Shri J.C Bhardwaj, President HP AITUC, HQ Saproon, District solan, HP. . .Petitioner.

VERSUS

The Occupier/Factory Manager M/s Omega Electronic Scale Co. Ltd., B-29, Electronics Complex, Chambaghat, District Solan, HP Head Office M/s Omega Electronic Scale Co. Ltd. 27 Tamarind Lane, Rajabahadue Building Near Mumbai Stock Exchange, Fort, Mumbai-400001. . .Respondent.

Reference under section 10 of the Industrial Disputes Act, 1947.

For petitioner : Shri J.C Bhardwaj, AR.
For respondent : Shri Neeraj Bhardwaj, Advocate

AWARD

The reference for adjudication is as under:

“Whether miscellaneous demands raised by shri Narender Thakur & 17 other workmen C/o Shri J.C Bhardwaj, President HP AITUC HQ Saproon, District Solan HP as per demand notice dated 6.10.2010 (Copy enclosed) to be fulfilled by the Occupier/Factory Manager M/s Omega Electronic Scale Co. Ltd., B-29, Electronics Complex, Chambaghat, District Solan, HP Head Office M/s Omega Electronic Scale Co. Ltd. 27 Tamarind Lane, Rajabahadue Building Near Mumbai Stock Exchange, Fort, Mumbai-400001 are legally justified and maintainable, If yes, what amount of monitory benefits and compensation the concerned workmen of above establishment , are entitled to from the above employers/management?”

2. Consequent upon the receipt of reference in this court from appropriate government, notices were issued to the petitioners as well as respondent. Whereas, on behalf of petitioners Shri J. C. Bhardwaj, AR has put his presence, on behalf of respondent, Shri Pankaj Sharma appeared.

3. Although, several opportunities were given to the petitioners to file the claim petition but the needful was not done. The repeated failure of the petitioners to have done the needful led this Court to believe/assume that they are not interested to pursue their demands vide demand notice dated 6.10.2010. Consequently, for their failure to have done the needful, there is no material whatsoever before this Court to arrive at conclusion that their demands vide demand notice dated 6.10.2010 are legally justified and maintainable. Thus, this reference stands answered accordingly. Let a copy of this award be sent to the appropriate government for publication in the official gazette. File, after completion, be consigned to records.

Announced in the open court today on this 4th Day June, 2013.

A. S. JASWAL,
Presiding Judge.
Industrial Tribunal-cum
Labour Court, Shimla Camp at Solan.

**IN THE COURT OF A. S. JASWAL, PRESIDING JUDGE, INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, SHIMLA.**

Ref. No. : 3 of 2012.
Instituted on : 11.1.2012.
Decided on : 4.6.2012.

Nisha Sharma W/o Shri Dev Dutt R/o Village Ber-Gaon, P.O Chambaghat, Tehsil & District Solan, HP. ..Petitioner.

VERSUS

The Managing Director, Solan Energy Saving Products (P) Ltd., Near HFCL Chambaghat, Tehsil & District Solan, HP. ..Respondent.

Reference under section 10 of the Industrial Disputes Act, 1947.

For petitioner : Shri J. C. Bhardwaj, AR.
For respondent : Shri Neeraj Bhardwaj, Advocate

AWARD

The reference for adjudication is as under:

“Whether the termination of services of Smt. Nisha Sharma W/o Shri Dev Dutt, Village Ber-Gaon, P.O Chambaghat, Tehsil & District Solan, HP by the Managing director M/s solasn Energy Saving Products (P) Ltd., near HFCL Chambaghat, Tehsil & District Solan, HP w.e.f. 7.4.2010 without serving chargesheet, without holding enquiry and without complying with the provisions of the Industrial disputes Act, 1947 is proper and justified? If not, to what back wages, service benefits and relief the above named workman is entitled to from the above employer?”

2. Consequent upon the receipt of reference in this court from appropriate government, notices were issued to the petitioner as well as respondent. Whereas, on behalf of petitioner Shri J. C. Bhardwaj, AR has put his presence, on behalf of respondent, Shri Pankaj Sharma appeared.

3. Although, several opportunities were given to the petitioner to file the claim petition but the needful was not done. The repeated failure of the petitioner to have done the needful led this Court to believe/assume that she is not interested to assail/challenge her termination of services w.e.f. 7.4.2010 by the respondent. Consequently, for her failure to have done the needful, there is no material whatsoever before this Court to arrive at conclusion that her termination of services w.e.f. 7.4.2010 is improper and unjustified. Thus, this reference stands answered accordingly. Let a copy of this award be sent to the appropriate government for publication in the official gazette. File, after completion, be consigned to records.

Announced in the open court today on this 4th Day of June, 2013.

A. S. JASWAL,
Presiding Judge.
Industrial Tribunal-cum
Labour Court, Shimla Camp at Solan.

**IN THE COURT OF A. S. JASWAL, PRESIDING JUDGE, INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, SHIMLA CAMP AT SOLAN**

Ref. No. : 63 of 2003.
Instituted on : 27.2.2003.
Decided on : 7.6.2013.

Ramesh s/o Shri Dharam Singh, R/o Village Jhajari bherewala, P.O. Poka, Tehsil Kamru,
District Sirmour, H.P. . . *Petitioner.*

VERSUS

The DFO, Forest Division Renukaji, District Sirmour, H.P. . . *Respondent.*

Reference under section 10 of the Industrial Disputes Act, 1947.

For petitioner : A. K. Gupta, Advocate
For respondent : Shri Jagdish Kanwar, Ld. DDA.

AWARD

The reference for adjudication is as under:

“श्री रमेश चन्द सुपुत्र श्री धर्म सिंह, दैनिक भोगी बेलदार को वन मण्डल अधिकारी रेणुकाजी, जिला सिरमौर द्वारा मार्च, 1995 से औद्योगिक विवाद अधिनियम, 1947 में दिए गए प्रावधानों की अनुपालना किए बिना नौकरी से निकलना जाना उचित व न्यायसंगत है ? यदि नहीं तो कामगार किस राहत, पूर्व वेतन, वरिष्ठता, सेवा लाभों एवं क्षतिपूर्ति का हकदार है ?”

2. Briefly, the case of the petitioner is that he was engaged as forest worker in the year 1985 and continued, as such, upto July, 2003 when his services were disengaged by the respondent in violation of the provisions of the Industrial Disputes Act, 1947 (hereinafter referred Act). While retrenching his services, neither any notice had been issued nor any compensation was paid to him. Even, Junior persons to him are still continuing in service. The respondent has also made fresh engagements after his (petitioner's) dis-engagement. It is further said that the petitioner is not gainfully employed anywhere after the date of his dis-engagement. Against this backdrop, a prayer has been made to reinstate him in service with all the consequential benefits.

3. The claim Petition has been contested on the plea that the petitioner was engaged during the month of April, 1985 and that he worked upto July, 2008. Except the years, 1988 to 1992, he did not complete 240 days in each calendar year. It is further averred that he was not disengaged by the respondent but, on his own, left the work.

4. Rejoinder not filed. The pleadings of the parties gave rise to the following issues which were struck on 5-3-2012.

1. Whether the termination of the services of petitioner by the respondent w.e.f. March, 1995 is in violation of the provisions of the Industrial disputes Act, 1947 ?
..OPP.
2. If issue No. 1 is proved in affirmative, to what relief, the petitioner is entitled to ?
..OPP.
3. Relief.

5. I have heard the learned counsel for the parties and have also gone through the record of the case carefully.

6. For the reasons to be recorded hereinafter while discussing issues for determination my findings on the aforesaid issues are as under.

Issue No. 1 : No.

Issue No. 2 : becomes redundant.

Relief. Reference answered against the petitioner, per operative part of award.

Reasons for findings

Issue No. 1

7. At the very outset, it is to be mentioned that as per the reference, made to this Court, this court is to ascertain as to whether the disengagement of the petitioner w.e.f. March, 1995 is in violation of the provisions of the Act or not. However, when regard is given to the claim petition which has been filed by the petitioner, it is revealed that according to him (petitioner), he had continued to remain in service upto July, 2003, when his services, were allegedly dis-engaged by the respondent in violation of the provisions of the Act. From the stand, which has been taken by the petitioner, it is abundantly clear that it is contrary to the reference, which has been made to this Court for adjudication. Despite the aforesaid stand, which has been taken by the petitioner, in conflict with the reference made to this Court, it is required to be ascertained as to whether the services of the petitioner were dis-engaged by the respondent either w.e.f. March, 1995 or July, 2003 as is the contention of the petitioner.

8. The evidence of the petitioner, when he appeared in the witness box as PW-1, goes to show that, on daily wages, he was engaged as forest worker in the year, 1985 and continued as such till July, 2003, when his services were disengaged without notice and compensation. Even, the respondent kept his juniors and also engaged new persons. After having been dis-engaged from the service, he did not do any work. In the cross-examination, he (petitioner) stated that from April, 1985, when he was engaged, he continued to remain in service upto July, 2008. He denied not to have completed 240 days in each calendar year. He specifically denied that except the years, 1988 to 1992, he did not complete 240 days in any of the calendar years. He denied that mark R-1 is his mandays chart and that, on his own, he left the job/service. He also denied that the respondent has neither engaged any person junior to him nor new one. No such documents have been produced by him which could go to show that the respondent has engaged persons junior to him or new one.

9. Shri Khatri Ram (PW-2) says that in the Forest Department he has been working as daily wage for the last 19 years. In the year 2003, the petitioner had been disengaged by the department without any notice and compensation despite the fact that he had been working for 240 days in each calendar year. In the cross-examination, he admitted that till 2008, the petitioner kept on doing work/job. He denied that the petitioner, on his own, left the job.

10. Shri Ram Chand (RW-1) says that the petitioner had been engaged for doing seasonal forest works in the year, 1985 and he continued as such till 2008. Even, during that period, he (petitioner) had been irregular in doing his job. Ex. RA is his mandays chart which is correct as per the original brought by him. Except the years, 1988 to 1992, he did not complete 240 days in any calendar years. In the year 1995, he had only worked for 33 days. Neither, he (petitioner) had been

disengaged from service nor his juniors are doing job. In the year, 2008, he (petitioner), on his own, had left the job despite the fact that work was available with the department. In the cross-examination, he has stated not to have issued notice to the petitioner. No such writing is available with him which could go to show that the petitioner, on his own, had left the job. No other persons have been engaged for doing seasonal work, when the petitioner left the job. He denied that the petitioner had not left the job, on his own, but his services were disengaged.

11. When regard is given to the evidence of the petitioner (PW-1), it is abundantly clear that he himself admits that from April, 1985, he had continued to remain in job til July, 2008. To the similar effect is the version of Shri Khatri Ram (PW-2). From the evidence which has been led by the petitioner, it is abundantly clear that his stand, as taken in the petition, that his services were disengaged in the month of July, 2003 is totally incorrect/wrong. It is not his case that his services had been disengaged in the month of March, 1995, as is the reference, which has been made to this Court. It has been specifically stated by Shri Ram Chand (RW-1) that the services of the petitioner had not been disengaged but in the year, 2008, on his own, he left the job despite the fact that work was available with the respondent. According to him, Ex. RA is the mandays chart of the petitioner. The perusal of the mandays chart, Ex. RA, goes to show that in the year, 1985, the petitioner had worked for 78 days and that he had continued to remain in service/job til July, 2008, in which year, he had worked for 55 days, in total. In the year, 1995, the petitioner had worked for 33 days. In the preceding years i.e 1994 and 1993, he had worked for 132 and 55 days respectively. It is further to be noted that in the years 2007 and 2006, the petitioner had worked for 47 and 31 days respectively. From the mandays chart Ex. RA, it is further borne out that in the year, 2003, the petitioner had not worked at all. Thus, the contention of the petitioner that his services had been disengaged in the year, July, 2003 is contrary to mandays chart Ex. RA. Even, in the year, 2002, the petitioner had worked for 24 days and in the year preceding to that (2001), he had worked for 20 days. In this way, from the mandays chart Ex. RA, it is quite clear that neither in the year preceding to 1995 nor 2003, the petitioner had worked for 240 days. Even, he had not worked for 240 days in the preceding year 2008. From the documentary as well as oral evidence which is on record, it is clearly borne out that the petitioner has failed to prove that he had worked continuously before his services were allegedly disengaged by the respondent. On the other hand, from the evidence of Shri Ram Chand (RW-1), it is clear that, on his own, the petitioner had left the job/service. The petitioner could have become entitled to be issued notice and also paid compensation, only if he had proved that in the year preceding to his alleged disengagement, he had worked for 240 days and for this reason, he had remained in continuous service. I disagree with the Learned Counsel appearing on behalf of the petitioner, that from the evidence on record, the petitioner succeeds to prove his case which requires his reengagement along-with consequential service benefits. Learned Dy. DA appearing on behalf of respondent has rightly urged that from the evidence which is, on record, the petitioner has failed to prove that he had remained in continuous service as per the provisions of the Act.

12. Consequently, for what has been stated hereinabove, I hold that the petitioner has failed to prove that his services had been terminated by the respondent w.e.f. March, 1995 in violation of the provisions of the Act. It is further to be noted that the petitioner has even not succeeded in proving that his services had been disengaged in the month of July, 2003, as is his stand taken in the petition, from his own evidence and also the mandays chart Ex. RA.

13. Apart from this, the petitioner has not brought any such record before this Court which goes to show that after his alleged disengagement from service, new persons have been engaged by the respondent. His evidence further fails to prove that any junior to him has been engaged/retained by the respondent. Thus, I hold that the petitioner has failed to prove that his services had been disengaged w.e.f. March, 1995 in contravention of the provisions of the Act and as such my answer to this issue is "No".

Issue No. 2

14. For the failure of the petitioner to have proved issue No. 1, this issue becomes redundant.

Relief

As a sequel to my findings on the aforesaid issues, the claim of the petitioner is dismissed. Consequently, the reference stands answered against the petitioner and in favour of the respondent. Let a copy of this award be sent to the appropriate government for publication in official gazette. File, after completion be consigned to records.

Announced in the open court today this day of 7th June, 2013 in the presence of parties counsels.

A. S. JASWAL,
Presiding Judge.
Industrial Tribunal-cum
Labour Court, Shimla Camp at Solan.

**IN THE COURT OF A. S. JASWAL, PRESIDING JUDGE, HP INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, SHIMLA CAMP AT SOLAN**

Ref. No. : 2 of 2013.
Instituted on : 27.2.2013.
Decided on : 12.6.2013.

Sunil Kumar s/o Shri Dhru Sain, r/o Village Ranol, P.O. Gaonsari, Tehsil Chirgaon,
District Shimla, H.P. . .Petitioner.

VERSUS

The Project Director, Gowthami Hydro Electric Co. Pvt. Ltd., Andhra Stage-II, VPO
Gushali, Tehsil Chirgaon, Distt. Shimla. H.P. . .Respondent.

Reference under section 10 of the Industrial Disputes Act, 1947.

For petitioner : In person.
For respondent : Shri Ramesh, AR.

AWARD

The reference for adjudication is as under:

"Whether termination of the services of Shri Glover Singh S/o Shri Amar Dut R/o VPO Gaonsari, Tehsil, Chirgaon, District Shimla, HP by the Project Director, Gowthami Hydro Electric Co. Pvt. Ltd., Andhra Stage-I VPO Gushali, Tehsil Chirgaon, District Shimla, HP w.e.f. 14.10.2011 without complying the provisions of the Industrial Disputes Act, 1947 is legal and justified? If not, what amount of back

wages, seniority, past service benefits and compensation the above Ex- worker is entitled to from the above employer?"

2. Consequent upon the receipt of aforesaid reference, in this Court, notices were issued to the parties and in response thereof, Shri Gurdial Singh (Petitioner) put his presence. On behalf of respondent, Shri Ramesh, AR had appeared. As per order dated 15/5/2013, this case was listed for settlement for today i.e 12.6.2013.

Before this Court, it was stated by the petitioner (Gurdial Singh) that a settlement has already been effected between the parties. To this effect, his statement recorded separately.

Since, a settlement has already taken place between the parties, the reference, which has been made to this Court by the appropriate government, stands answered accordingly. Let a copy of this award be sent to the appropriate publication in official gazette. File, after completion be consigned to records.

A. S. JASWAL,
Presiding Judge.
Industrial Tribunal-cum
Labour Court, Shimla.

Presiding Judge

Ref . : 39 of 2010

Worker Unions V/s Manager Shivalik Hatcheris Nalagarh.

28/5/2013

Present : Sh. J. C. Bhardwaj, Ar with Sh. Pola Ram, President Venkatesh Hatcheries, Workers, Workers Union Panjira for petitioner.

Sh. Hardeep Verma, Advocate with Sh. Arindam Ganguly, Assistant manager (Personnel), Shivalik hatcheries for respondent.

At bar, it has been stated by both the parties that an amicable settlement has already taken place between the parties out of court. To this effect, statement of Sh. Arindam Ganguly, Assistant manager (Personnel), Shivalik hatcheries Nalagarh recorded separately. Shri Pola Ram, President Venkatesh Hatcheries, Workers Union, Panjira has also admitted the settlement so arrived between the parties to be correct and acceptable to him on behalf of workers union.

Consequent upon the arrival of the settlement between the parties, out of court, this reference stands answered in terms of compromise Ex. C-1 as well as statements as made before this court by Sh. Arindam Ganguly, Assistant manager (Personnel), Shivalik Hatcheries and Sh. Pola Ram President Venkatesh hatcheries, Workers Union Panjira. Let a copy of this award be sent to the appropriate government of publication in the official gazette. File after completion, be consigned to records.

Announced

28/5/2013

Presiding Judge
Labour Court, Shimla,
Camp at Nalagarh,

**IN THE COURT OF A. S. JASWAL, PRESIDING JUDGE, HP INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, SHIMLA CAMP AT SOLAN**

Ref. No. : 4 of 2013.
Instituted on : 27.2.2013.
Decided on : 12.6.2013.

Gurdyal Singh S/o Shri Gian Chand, r/o Village Rausi, P.O. Gaonsari, Tehsil Chirgaon, District Shimla, H.P. . .Petitioner.

VERSUS

The Project Director, Gowthami Hydro Electric Co. Pvt. Ltd., Andhra Stage-II, VPO Gushali, Tehsil Chirgaon, Distt. Shimla. H.P. . .Respondent.

Reference under section 10 of the Industrial Disputes Act, 1947.

For petitioner : In person.
For respondent : Shri Ramesh, AR.

AWARD

The reference for adjudication, is as under:-

"Whether termination of the services of Shri Glover Singh S/o Shri Amar Dut R/o VPO Gaonsari, Tehsil, Chirgaon, District Shimla, HP by the Project Director, Gowthami Hydro Electric Co. Pvt. Ltd., Andhra Stage-I VPO Gushali, Tehsil Chirgaon, District Shimla, HP w.e.f. 14.10.2011 without complying the provisions of the Industrial Disputes Act, 1947 is legal and justified? If not, what amount of back wages, seniority, past service benefits and compensation the above Ex- worker is entitled to from the above employer?"

2. Consequent upon the receipt of aforesaid reference, in this Court, notices were issued to the parties and in response thereof, Shri Gurdyal Singh (Petitioner) put his presence. On behalf of respondent, Shri Ramesh, AR had appeared. As per order dated 15/5/2013, this case was listed for settlement for today i.e 12.6.2013.

Before this Court, it was stated by the petitioner (Gurdyal Singh) that a settlement has already been effected between the parties. To this effect, his statement recorded separately.

Since, a settlement has already taken place between the parties, the reference, which has been made to this Court by the appropriate government, stands answered accordingly. Let a copy of this award be sent to the appropriate government for publication in official gazette. File, after completion be consigned to records.

A. S. JASWAL,
Presiding Judge.
Industrial Tribunal-cum
Labour Court, Shimla.

**उच्चतर शिक्षा विभाग
(शिक्षा-ख)**

अधिसूचना

शिमला-2, 30 जुलाई, 2013

संख्या: ई.डी.एन.-ए0-क (1)-1/2006.—हिमाचल प्रदेश की राज्यपाल, भारत के संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से, अधिसूचना संख्या ख (15)-2/92-शिक्षा-क-1, तारीख 24-8-1992 द्वारा अधिसूचित हिमाचल प्रदेश, उच्चतर शिक्षा विभाग, प्रधानाचार्य (स्कूल संवर्ग), वर्ग-I (राजपत्रित) के भर्ती और प्रोन्नति नियम, 1992 का और संशोधन करने के लिए निम्नलिखित नियम बनाती हैं, अर्थात्:-

1. संक्षिप्त नाम और प्रारम्भ.—(1) इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश, उच्चतर शिक्षा विभाग, प्रधानाचार्य (स्कूल संवर्ग), वर्ग-I, (राजपत्रित) भर्ती और प्रोन्नति (तृतीय संशोधन) नियम, 2013 है ।

(2) ये नियम राजपत्र, हिमाचल प्रदेश में प्रकाशित किए जाने की तारीख से प्रवृत्त होंगे ।

2. उपाबन्ध-क का संशोधन.— हिमाचल प्रदेश उच्चतर शिक्षा विभाग विभाग, प्रधानाचार्य (स्कूल संवर्ग), वर्ग-I (राजपत्रित) के भर्ती और प्रोन्नति नियम, 1992 के उपाबन्ध-क में स्तम्भ 11 के सामने विद्यमान उपबन्धों के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्:-

“(i) पचास प्रतिशत, मुख्याध्यापकों में से प्रोन्नति द्वारा, जिनका तीन वर्ष का नियमित सेवाकाल या ग्रेड में की गई लगातार तदर्थ सेवा, यदि कोई हो, को सम्मिलित करके तीन वर्ष का नियमित सेवाकाल हो, ऐसा न होने पर मुख्याध्यापकों में से प्रोन्नति द्वारा, जिनका मुख्याध्यापक/प्रशिक्षित स्नातक अध्यापक के रूप में सयुक्ततः पन्द्रह वर्ष का नियमित सेवाकाल या की गई लगातार तदर्थ सेवा यदि कोई हो, को सम्मिलित, करके पन्द्रह वर्ष का नियमित सेवाकाल हो, जिसमें मुख्याध्यापक के रूप में दो वर्ष का सेवाकाल होना अनिवार्य है ।

(ii) पचास प्रतिशत, प्रवक्ता (स्कूल संवर्ग)/स्नातकोत्तर अध्यापक और व्यवसायिक स्कूल प्रवक्ताओं में से प्रोन्नति द्वारा जिनका आठ वर्ष का नियमित सेवाकाल या ग्रेड में की गई लगातार तदर्थ सेवा, यदि कोई हो, को सम्मिलित करके आठ वर्ष का नियमित सेवाकाल हो । व्यवसायिक स्कूल प्रवक्ताओं का हिस्सा प्रवक्ता (स्कूल संवर्ग)/स्नातकोत्तर अध्यापकों और व्यवसायिक स्कूल प्रवक्ताओं के कोटा में 1:75 होगा ।

परन्तु प्रोन्नति के प्रयोजन के लिए प्रत्येक कर्मचारी को, जनजातीय/ दुर्गम क्षेत्रों में पद (पदों) की ऐसे क्षेत्रों में पर्याप्त संख्या की उपलब्धता के अधीन, कम से कम एक कार्यकाल तक सेवा करनी होगी:

परन्तु यह और कि उपर्युक्त परन्तुक (1) उन कर्मचारियों के मामले में लागू नहीं होगा जिनकी अधिवर्षिता के लिए पांच वर्ष या उससे कम की सेवा शेष रही हो:

परन्तु यह और भी कि उन अधिकारियों/कर्मचारियों को, जिन्होंने जनजातीय/दुर्गम क्षेत्र में कम से कम एक कार्यकाल तक सेवा नहीं की है, ऐसे क्षेत्र में उसके अपने संवर्ग (काडर) में सर्वथा वरिष्ठता के अनुसार स्थानान्तरण किया जाएगा ।

स्पष्टीकरण I.—उपर्युक्त परन्तुक के प्रयोजन के लिए जनजातीय/दुर्गम क्षेत्रों में “कार्यकाल” से साधारणतया तीन वर्ष की अवधि या प्रशासनिक अपेक्षाओं और कर्मचारी द्वारा किए गए कार्य को ध्यान में रखते हुए ऐसे क्षेत्रों में तैनाती की इससे कम अवधि अभिप्रेत होगी ।

स्पष्टीकरण II.—उपर्युक्त परन्तुक के प्रयोजन के लिए जनजातीय/दुर्गम क्षेत्र निम्न प्रकार से होंगे:-

1. जिला लाहौल एवं स्पिति ।

2. चम्बा जिला का पांगी और भरमौर उप मण्डल।
3. रोहडू उप मण्डल का डोडरा क्वार क्षेत्र।
4. जिला शिमला की रामपुर तहसील का पन्द्रह बीस परगना, मुनीश, दरकाली और ग्राम पंचायत काशापाट।
5. कुल्लू जिला का पन्द्रह बीस परगना।
6. कांगड़ा जिला के बैजनाथ उप मण्डल का बड़ा भंगाल क्षेत्र।
7. जिला किन्नौर।
8. सिरमौर जिला में उप तहसील कमरु के काठवाड़ और कोरगा पटवार वृत्त, रेणुकाजी तहसील के भलाड़-भलौना और सांगना पटवार वृत्त और शिलाई तहसील का कोटा पाब पटवार वृत्त।
9. मण्डी जिला में करसोग तहसील का खन्योल-बगड़ा पटवार वृत्त, बाली चौकी उप तहसील के गाडा गोसाईं मठयानी, घनयाड़, थाची, बागी, सोमगाड़ और खोलानाल, पद्धर तहसील के झारवाड़, कुटगढ़, ग्रामन, देवगढ़, ट्रैला, रोपा, कथोग, सिल्ह-भड़वानी, हस्तपुर, घमरेड़ और भटेढ़ पटवार वृत्त, थुनाग तहसील के चियूणी, कालीपार, मानगढ़, थाच-बगड़ा उत्तरी मगरू और दक्षिणी मगरू पटवार वृत्त और सुन्दरनगर तहसील का बटवाड़ा पटवार वृत्त।

(1) प्रोन्नति के सभी मामलों में पद पर नियमित नियुक्ति से पूर्व सम्भरक (पोषक) पद में की गई लगातार तदर्थ सेवा, यदि कोई हो, प्रोन्नति के लिए इन नियमों में यथाविहित सेवाकाल के लिए, इस शर्त के अधीन रहते हुए गणना में ली जाएगी, कि सम्भरक प्रवर्ग में तदर्थ नियुक्ति/प्रोन्नति, भर्ती और प्रोन्नति नियमों के उपबन्धों के अनुसार चयन की उचित स्वीकार्य प्रक्रिया को अपनाने के पश्चात् की गई थी:

परन्तु उन सभी मामलों में, जिनमें कोई कनिष्ठ व्यक्ति सम्भरक पद में अपने कुल सेवाकाल (तदर्थ आधार पर की गई तदर्थ सेवा सहित, जो नियमित सेवा/नियुक्ति के अनुसरण में हो) के आधार पर उपर्युक्त निर्दिष्ट उपबन्धों के कारण विचार किए जाने का पात्र हो जाता है, वहां अपने-अपने प्रवर्ग/पद/कांडर में उससे वरिष्ठ सभी व्यक्ति विचार किए जाने के पात्र समझे जाएंगे और विचार करते समय कनिष्ठ व्यक्ति से ऊपर रखे जाएंगे :

परन्तु यह और कि उन सभी पदधारियों की, जिन पर प्रोन्नति के लिए विचार किया जाना है, कम से कम तीन वर्ष की न्यूनतम अर्हता सेवा या पद के भर्ती और प्रोन्नति नियमों में विहित सेवा, जो भी कम हो, होगी:

परन्तु यह और भी कि जहां कोई व्यक्ति पूर्वगामी परन्तुक की अपेक्षाओं के कारण प्रोन्नति किए जाने सम्बन्धी विचार के लिए अपात्र हो जाता है, वहां उससे कनिष्ठ व्यक्ति भी ऐसी प्रोन्नति के विचार के लिए अपात्र समझा जाएगा/समझे जाएंगे।

स्पष्टीकरण:- अंतिम परन्तुक के अन्तर्गत कनिष्ठ पदधारी प्रोन्नति के लिए अपात्र नहीं समझा जाएगा यदि वरिष्ठ अपात्र व्यक्ति भूतपूर्व सैनिक है, जिसे डिमोबीलाइज्ड आर्मड फोर्सिज परसोनल (रिजर्वेशन ऑफ वैकेन्सीज इन हिमाचल स्टेट नॉन टैक्नीकल सर्विसीज) रूलज, 1972 के नियम-3 के उपबन्धों के अन्तर्गत भर्ती किया गया हो और इनके अन्तर्गत वरीयता लाभ दिए गए हों या जिसे एक्स सर्विसमैन (रिजर्वेशन ऑफ वैकेन्सीज इन दी हिमाचल प्रदेश टैक्नीकल सर्विसीज) रूलज, 1985 के नियम-3 के उपबन्धों के अन्तर्गत भर्ती किया गया हो और इनके अन्तर्गत वरीयता लाभ दिए गए हों।

(2) इसी प्रकार स्थायीकरण के सभी मामलों में ऐसे पद पर नियमित नियुक्ति से पूर्व की सम्भरक पद पर की गई लगातार तदर्थ सेवा, यदि कोई हो, सेवाकाल के लिए गणना में ली जाएगी, यदि तदर्थ नियुक्ति/प्रोन्नति, उचित चयन के पश्चात् और भर्ती और प्रोन्नति नियमों के उपबन्धों के अनुसार की गई थी:

परन्तु की गई उपर्युक्त निर्दिष्ट तदर्थ सेवा को गणना में लेने के पश्चात् जो स्थायीकरण होगा उसके फलस्वरूप पारस्परिक वरीयता अपरिवर्तित रहेगी।”

आदेश द्वारा,
हस्ता0/-
प्रधान सचिव (शिक्षा)।

[Authoritative English text of this Department Notification No. EDN.-A-Ka (1)-1/2006, dated 26-07-2013 required under clause (3) of Article 348 of the Constitution of India].

HIGHER EDUCATION DEPARTMENT (Education-B)

NOTIFICATION

Shimla-171002, the 30-07-2013

No. EDN.-A-Ka (1)-1/2006.— In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor, Himachal Pradesh, in consultation with the Himachal Pradesh Public Service Commission, is pleased to make the following Rules, further to amend the Recruitment and Promotion Rules for the post of Principal (School Cadre), Class-I (Gazetted) in the Higher Education Department, Himachal Pradesh notified vide Notification No. Kha (15)-2/92-Edu-A-I, dated 24.8.1992, namely:—

1. Short Title and Commencement.—(1) These rules may be called the Himachal Pradesh, Higher Education Department, Principal (School Cadre) Class-I (Gazetted) Recruitment and Promotion (Third Amendment) Rules, 2013.

(2) These rules shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.

2. Amendment of Annexure-“A”.— In Annexure-“A” to the Himachal Pradesh Higher Education Department, Principal (School Cadre) Class-I (Gazetted) Recruitment and Promotion Rules, 1992 for the existing provision against Col. No. 11, the following shall be substituted, namely:—

“(i) 50% by promotion from amongst the Headmasters with three years regular Service or regular combined with continuous *ad hoc* service, rendered, if any, in the grade failing which from amongst the Headmasters with 15 years regular service or regular combined with continuous *ad hoc* service rendered, if any, as Headmaster/TGT combined out of which 02 years service as Headmaster is essential.

(ii) 50% by promotion from amongst lecturers School Cadre/Post Graduate Teachers and vocational school Lecturers having 8 years regular service or regular combined with continuous *ad hoc* service, if any, in the grade. The Share of Vocational School Lecturers in quota of Lecturers School Cadre /Post Graduate Teachers and Vocational School Lecturers shall be in the ratio of 1:75.”

(1) Provided that for the purpose of promotion every employee shall have to serve at least one term in the Tribal/Difficult areas subject to adequate number of post (s) available in such areas;

Provided, further that the *proviso* (1) supra shall not be applicable in the case of those employees who have five years or less service, left for superannuation.

Provided further that Officers/Officials who have not served at least one tenure in Tribal/difficult area shall be transferred to such area strictly in accordance with his/her seniority in the respective cadre.

Explanation I.—For the purpose of proviso (1) supra the “term” in Tribal/Difficult areas shall mean normally three years or less period of posting in such areas keeping in view the administrative requirements and performance of the employee.

Explanation II.—For the purpose of proviso (1) supra the Tribal/Difficult Areas shall be as under:—

1. District Lahaul & Spiti.
2. Pangi and Bharmour Sub-Division of Chamba District.
3. Dodra Kwar Area of Rohru Sub-Division.
4. Pandrah Bish Pargana, Munish Darkali and Gram Panchayat Kashapat, Gram Panchayats of Rampur Tehsil of District Shimla.
5. Pandrah Bish Pargana of Kullu District.
6. Bara Bhangal Areas of Baijnath Sub-Division of Kangra District.
7. District Kinnaur.
8. Kathwar and Korga Patwar Circles of Kamrau Sub-Tehsil, Bhaladh Bhalona and Sangna Patwar Circle of Renukaji Tehsil and Kota Pab Patwar Circle of Shillai Tehsil, in Sirmour District.
9. Khanyoi-Bagra Patwar Circle of Karsog Tehsil Gada-Gusaini, Mathyani, Ghanyar, Thachi, Baggi, Somgad and Kholanal of Bali-Chowki Sub Tehsil, Jharwar, Kutgarh, Graman, Devgarh, Trailla, Ropa, Kathog, Silh-Badhwani, Hastpur, Ghamrehar and Bhatehar Patwar Circle of Padhar Tehsil, Chiuni, Kalipar, Mangarh, Thach-Bagra, North Magru and South Magru Patwar Circles of Thunag Tehsil and Batwara Patwar Circle of Sunder Nagar Tehsil in Mandi District.

(1) In all cases of promotion, the continuous *adhoc* service rendered in the feeder post, if any, prior to regular appointment to the post shall be taken into account towards the length of service as prescribed in these rules for promotion subject to the condition that the *adhoc* appointment/ promotion in the feeder category had been made after following proper acceptable process of selection in accordance with the provision of Recruitment and Promotion Rules:-

Provided that in all cases where a junior person becomes eligible for consideration by virtue of his/her total length of service (including service rendered on *adhoc* basis, followed by regular service/appointment in the feeder post in view of the provision referred to above) all persons senior to him/her in the respective category/post/cadre shall be deemed to be eligible for consideration and placed above the junior person in the field of consideration;

Provided further that all incumbents to be considered for promotion shall possess the minimum qualifying service of at least three years or that prescribed in the Recruitment and Promotion Rules for the post, whichever is less;

Provided further that where a junior person becomes ineligible to be considered for promotion on account of the requirements of the preceding proviso, the person(s) junior to him/her shall also be deemed to be ineligible for consideration for such promotion.

Explanation.—The last proviso shall not render the junior incumbent (s) ineligible for consideration for promotion if the senior ineligible person (s) happened to be Ex-Servicemen recruited under the provision of Rule 3 of the Demobilized Armed Forces Personnel (Reservation of vacancies in Himachal State Non-Technical Services) Rules, 1972 and having been given the benefit of seniority there under or recruited under the provisions of Rule 3 of the Ex-Servicemen (Reservation of Vacancies in the Himachal Pradesh Technical Services) Rules, 1985 and having been given the benefit of seniority there under.

(2) Similarly, in all cases of confirmation, continuous *adhoc* service rendered on the feeder post, if any, prior to the regular appointment against such post shall be taken into account towards the length of service, if the *adhoc* appointment/promotion had been made after proper selection and in accordance with the provision of the R & P Rules;

Provided that inter-se-seniority as a result of confirmation after taking into account, *ad hoc* service rendered as referred to above shall remain unchanged.

By order,
Sd/-
Principal Secretary (Hr. Education).

In the Court of Shri Satish Kumar Sharma, HPAS, Marriage Officer-cum-Sub-Divisional Magistrate, Hamirpur, Himachal Pradesh

In the matter of :

1. Neeraj Kumar, aged 26 years s/o Shri Azad Singh, r/o Village Galot, P.O. Changer, Tehsil and District Hamirpur, Himachal Pradesh.
2. Pooja Thakur, aged 25 years d/o Shri Hukam Singh, r/o Village Bhewal, P.O. Kharota, Tehsil Bhoranj, District Hamirpur (H. P.) . . . *Applicants.*

Versus

General Public

Subject.— Proclamation for the registration of Marriage under Section 16 of Special Marriage Act, 1954.

Neeraj Kumar and Pooja Thakur have filed an application alongwith affidavits in the Court of undersigned under section 16 of Special Marriage Act, 1954 that they have solemnised their marriage on 22-10-2012 at Shiv Mandir, Talab, Nalagarh, District Solan (H. P.) and they are living as husband and wife since then, hence their marriage may be registered under Special Marriage Act, 1954.

Therefore, the general public is hereby informed through this notice that any person who has any objection regarding this marriage can file the objection personally or in writing before this Court on or before 9-9-2013. The objection received after 9-9-2013 will not be entertained and marriage will be registered accordingly.

Issued today on 15-7-2013 under my hand and seal of the Court.

Seal.

SATISH KUMAR SHARMA,
*Marriage Officer-cum-Sub-Divisional Magistrate,
Hamirpur, Himachal Pradesh.*

In the Court of Shri Satish Kumar Sharma, HPAS, Marriage Officer-cum-Sub-Divisional Magistrate, Hamirpur, Himachal Pradesh

In the matter of :

1. Ram Chand, aged 27 years s/o Shri Bishan Dass, r/o Village Lohdar, P.O. Ropri, Tehsil Barsar, District Hamirpur, Himachal Pradesh.

2. Rooby Mala, aged 21 years d/o Shri Jay Singh, r/o Village Tala, P.O. Raj Nagar, Tehsil and District Chamba (H. P.). Both presently residing c/o Shri Ajay Dogra s/o Shri Om Parkash Dogra, r/o House No. 131, Ward No. 8, Naya Nagar, Tehsil and District Hamirpur (H. P.)
. . Applicants.

Versus

General Public

Subject.— Proclamation for the registration of marriage under section 16 of Special Marriage Act, 1954.

Shri Ram Chand and Smt. Rooby Mala have filed an application alongwith affidavits in the court of undersigned under section 16 of Special Marriage Act, 1954 that they have solemnized their marriage on 7-5-2013 at Shiv Mandir Gasota, Tehsil and District Hamirpur (H. P.) and they are living as husband and wife since then, hence their marriage may be registered under Special Marriage Act, 1954.

Therefore, the general public is hereby informed through this notice that any person who has any objection regarding this marriage can file the objection personally or in writing before this Court on or before 5-9-2013. The objection received after 5-9-2013 will not be entertained and marriage will be registered accordingly.

Issued today on 19-7-2013 under my hand and seal of the Court.

Seal.

SATISH KUMAR SHARMA,
Marriage Officer-cum-Sub-Divisional Magistrate,
Hamirpur, Himachal Pradesh.

In the Court of Shri Satish Kumar Sharma, HPAS, Marriage Officer-cum-Sub-Divisional Magistrate, Hamirpur, Himachal Pradesh

In the matter of :

1. Dev Raj, aged 38 years s/o Shri Rup Lal, r/o Village Jaar, P.O. Karhota, Tehsil Bhoranj, District Hamirpur, Himachal Pradesh.

2. Rinki Devi, aged 37 years d/o Shri Laxman w/o Late Shri Suresh Kumar, r/o Ward No. 2, Maniara, P.O. Pahra, Tehsil Palampur, District Kangra (H. P.). Both presently residing c/o Gian Devi w/o Shri Hari Ram, r/o Village Sawahal, P.O. Mohin, Tehsil and District Hamirpur (H. P.)
. . Applicants.

Versus

General Public

Subject.— Proclamation for the registration of marriage under section 16 of Special Marriage Act, 1954.

Shri Dev Raj and Smt. Rinki Devi have filed an application alongwith affidavits in the Court of undersigned under section 16 of Special Marriage Act, 1954 that they have solemnized their marriage on 7-5-2013 at Shiv Mandir Gasota Mahadev, Gasota, Tehsil and District Hamirpur and they are living as husband and wife since then, hence their marriage may be registered under Special Marriage Act, 1954.

Therefore, the general public is hereby informed through this notice that any person who has any objection regarding this marriage can file the objection personally or in writing before this Court on or before 5-9-2013. The objection received after 5-9-2013 will not be entertained and marriage will be registered accordingly.

Issued today on 19-7-2013 under my hand and seal of the Court.

Seal.

SATISH KUMAR SHARMA,
Marriage Officer-cum-Sub-Divisional Magistrate,
Hamirpur, Himachal Pradesh.

ब अदालत सहायक समाहर्ता प्रथम श्रेणी एवं तहसीलदार, भोरंज, जिला हमीरपुर, हिमाचल प्रदेश

श्री मिलाप सिंह ठाकुर सुपुत्र श्री दुनिया राम, गांव चम्बोह, मौजा मेवा, तहसील भोरंज, जिला हमीरपुर, हिमाचल प्रदेश प्रार्थी।

बनाम

आम जनता

विषय.—राजस्व रिकॉर्ड में नाम की दुरुस्ती बारे।

श्री मिलाप सिंह ठाकुर सुपुत्र श्री दुनिया राम, गांव चम्बोह, मौजा मेवा, तहसील भोरंज, जिला हमीरपुर, हिमाचल प्रदेश ने इस अदालत में शपथ-पत्र सहित दरख्वास्त गुजारी है कि उसका शैक्षणिक रिकॉर्ड, पंचायत रिकार्ड में सही नाम मिलाप सिंह ठाकुर दर्ज है परन्तु टीका चम्बोह, मौजा मेवा के राजस्व रिकॉर्ड में उसका नाम मिलाप चन्द दर्ज है जोकि गलत है। प्रार्थी राजस्व रिकॉर्ड में सही नाम का इन्द्राज कर दुरुस्ती करवाना चाहता है।

अतः इस इश्तहार द्वारा आम जनता को सूचित किया जाता है कि राजस्व रिकॉर्ड में मिलाप चन्द उर्फ मिलाप सिंह ठाकुर दर्ज करने बारे किसी को कोई उजर या एतराज हो तो वह असालतन या वकालतन दिनांक-.....-2013 को हाजिर अदालत आकर एतराज पेश कर सकता है। हाजिर न आने की सूरत में एकतरफा कार्यवाही अमल में लाई जाकर आगामी कार्यवाही की जाएगी। उसके बाद का उजर जेर समायत न होगा।

आज दिनांक 16-7-2013 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/—
सहायक समाहर्ता प्रथम श्रेणी एवं तहसीलदार,
भोरंज, जिला हमीरपुर, हिमाचल प्रदेश।

ब अदालत कार्यकारी दण्डाधिकारी, भोरंज, जिला हमीरपुर, हिमाचल प्रदेश

नीलम कुमारी पुत्री श्री दलेल सिंह, गांव ढनवान, डा0 परोल, तहसील भोरंज, जिला हमीरपुर, हिमाचल प्रदेश प्रार्थिया।

बनाम

आम जनता

विषय.—दरखास्त जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

अतिरिक्त रजिस्ट्रार (जन्म एवं मृत्यु), हमीरपुर के कार्यालय पत्र संख्या 11163, दिनांक 1-7-2013 अनुसार नीलम कुमारी पुत्री श्री दलेल सिंह, गांव ढनवान, डा0 परोल, तहसील भोरंज, जिला हमीरपुर, हिमाचल प्रदेश का आवेदन-पत्र समस्त रिकॉर्ड व शपथ-पत्र सहित इस कार्यालय में प्राप्त हुआ है जिसमें उल्लेख है कि नीलम कुमारी की जन्म तिथि 3-4-1965 को ग्राम पंचायत ढनवान, तहसील भोरंज, जिला हमीरपुर, हिमाचल प्रदेश के अभिलेख में दर्ज नहीं करवा सकी है तथा अब उक्त जन्म तिथि 3-4-1965 को सम्बन्धित पंचायत में दर्ज करवाना चाहती है।

अतः इस इशतहार द्वारा आम जनता को सूचित किया जाता है कि नीलम कुमारी पुत्री श्री दलेल सिंह का जन्म दिनांक 3-4-1965 को ग्राम पंचायत ढनवान, तहसील भोरंज, जिला हमीरपुर, हिमाचल प्रदेश के अभिलेख में दर्ज करने बारे किसी को कोई उजर/एतराज हो तो वह दिनांक 16-8-2013 को प्रातः 10.00 बजे असातन या वकालतन हाजिर अदालत आकर पेश कर सकता है। हाजिर न आने की सूरत में एकतरफा कार्यवाही अमल में लाई जावेगी। उसके बाद उजर जेर समाप्त न होगा।

आज दिनांक 16-7-2013 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/—
कार्यकारी दण्डाधिकारी,
भोरंज, जिला हमीरपुर, हिमाचल प्रदेश।

अदालत श्री बलवीर ठाकुर, स्पेशल मैरिज अधिकारी एवं उप-मण्डल दण्डाधिकारी, नादौन, जिला हमीरपुर, हिमाचल प्रदेश

तारीख दायरा : 19-7-2013

उनवान मुकद्दमा :

1. श्री राजीव कुमार सुपुत्र श्री रघुवीर सिंह, गांव व डाकखाना वसारल, तहसील नादौन, जिला हमीरपुर (हि0 प्र0)।

2. श्रीमती अंजना कुमारी सुपुत्री श्री मेहर चन्द, गांव व डाकखाना भरमोटी, तहसील नादौन, जिला हमीरपुर (हि0 प्र0) . . प्रार्थीगण।

बनाम

सर्वसाधारण एवं आम जनता

प्रार्थना-पत्र जेर धारा 16, स्पेशल मैरिज ऐक्ट, 1954 के अन्तर्गत विवाह पंजीकरण करने बारे।

उपरोक्त मामले में प्रार्थीगण उपरोक्त ने दिनांक 19-7-2013 को इस अदालत में प्रार्थना-पत्र पेश किया है कि उन्होंने दिनांक 4-12-1997 को हिन्दू-रीति रिवाज के अनुसार शादी कर ली है और तब से पति-पत्नी के रूप में रहते चले आ रहे हैं। इसलिए जेर धारा 16, स्पेशल मैरिज ऐक्ट, 1954 के अनुसार उनका विवाह पंजीकृत किया जावे।

अतः सर्वसाधारण एवं आम जनता को इस इशतहार राजपत्र के द्वारा सूचित किया जाता है कि यदि किसी भी व्यक्ति को इनकी शादी को पंजीकृत करने बारे कोई उजर व एतराज हो तो वह दिनांक 26-8-2013 को 10.00 बजे सुबह या इससे पूर्व असालतन या वकालतन हाजिर न्यायालय होकर पेश करे अन्यथा दीगर कार्यवाही एकतरफा अमल में लाई जाएगी।

आज दिनांक 19-7-2013 को हमारे हस्ताक्षर व मोहर न्यायालय से जारी किया गया।

मोहर।

बलवीर ठाकुर,
स्पेशल मैरिज अधिकारी एवं उप-मण्डल दण्डाधिकारी,
नादौन, जिला हमीरपुर, हिमाचल प्रदेश।

ब अदालत श्री प्रताप सिंह ठाकुर, कार्यकारी दण्डाधिकारी एवं तहसीलदार, इन्दौरा, जिला कांगड़ा,
हिमाचल प्रदेश

तारीख पेशी : 20-8-2013

श्री अजीत सिंह पुत्र श्री अमर सिंह, निवासी गांव मलोट, डाकखाना भोजपुर, तहसील इन्दौरा, जिला कांगड़ा, हिमाचल प्रदेश . . प्रार्थी।

बनाम

आम जनता

. . प्रत्यार्थी।

विषय.—प्रार्थना-पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 के अन्तर्गत जन्म तिथि पंजीकरण करने बारे।

प्रार्थी श्री अजीत सिंह पुत्र श्री अमर सिंह, निवासी गांव मलोट, डाकखाना भोजपुर, तहसील इन्दौरा, जिला कांगड़ा ने प्रार्थना-पत्र प्रस्तुत करते हुए निवेदन किया है कि उसकी लड़की सतवीर कौर का जन्म दिनांक 5-8-1989 को गांव मलोट, तहसील इन्दौरा में हुआ है लेकिन अज्ञानतावश उसकी जन्म तिथि को ग्राम पंचायत घोडन, तहसील इन्दौरा, जिला कांगड़ा के अभिलेख में पंजीकृत न करवाया जा सका है। अतः जन्म तिथि को पंजीकृत करने के आदेश देने की अनुमति प्रदान करें।

अतः इस इशतहार द्वारा सर्वसाधारण को सूचित किया जाता है कि उक्त सतवीर कौर पुत्री श्री अजीत सिंह की जन्म तिथि को पंजीकृत करने बारे किसी व्यक्ति को कोई भी एतराज हो तो वह असालतन या वकालतन दिनांक 20-8-2013 को प्रातः 10.00 बजे अदालत हजा में हाजिर होकर अपना एतराज पेश कर सकता है। कोई एतराज पेश न होने की सूरत में जन्म तिथि को पंजीकृत करने के आदेश पारित कर दिए जाएंगे।

आज दिनांक 8-7-2013 को मेरे हस्ताक्षर व मोहर अदालत सहित जारी हुआ।

मोहर।

प्रताप सिंह ठाकुर,
कार्यकारी दण्डाधिकारी,
इन्दौरा, जिला कांगड़ा, हिमाचल प्रदेश।

ब अदालत श्री प्रताप सिंह ठाकुर, कार्यकारी दण्डाधिकारी एवं तहसीलदार, इन्दौरा, जिला कांगड़ा,
हिमाचल प्रदेश

तारीख पेशी : 20-8-2013

श्री अजीत सिंह पुत्र श्री अमर सिंह, निवासी गांव मलोट व डाकखाना भोजपुर, तहसील इन्दौरा, जिला कांगड़ा, हिमाचल प्रदेश . . प्रार्थी।

बनाम

आम जनता

. . प्रत्यार्थी।

विषय.—प्रार्थना—पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 के अन्तर्गत जन्म तिथि पंजीकरण करने बारे।

प्रार्थी श्री अजीत सिंह पुत्र श्री अमर सिंह, निवासी गांव मलोट, डाकखाना भोजपुर, तहसील इन्दौरा, जिला कांगड़ा ने प्रार्थना—पत्र प्रस्तुत करते हुए निवेदन किया है कि उसके लड़के अबतार सिंह का जन्म दिनांक 24-6-1994 को गांव मलोट, तहसील इन्दौरा में हुआ है लेकिन अज्ञानतावश उसकी जन्म तिथि को ग्राम पंचायत घोडन, तहसील इन्दौरा, जिला कांगड़ा के अभिलेख में पंजीकृत न करवाया जा सका है। अतः जन्म तिथि को पंजीकृत करने के आदेश देने की अनुमति प्रदान करें।

अतः इस इशतहार द्वारा सर्वसाधारण को सूचित किया जाता है कि उक्त अबतार सिंह पुत्र श्री अजीत सिंह की जन्म तिथि को पंजीकृत करने बारे किसी व्यक्ति को कोई भी एतराज हो तो वह असातन या वकालतन दिनांक 20-8-2013 को प्रातः 10.00 बजे अदालत हजा में हाजिर होकर अपना एतराज पेश कर सकता है। कोई एतराज पेश न होने की सूरत में जन्म तिथि को पंजीकृत करने के आदेश पारित कर दिए जाएंगे।

आज दिनांक 8-7-2013 को मेरे हस्ताक्षर व मोहर अदालत सहित जारी हुआ।

मोहर।

प्रताप सिंह ठाकुर,
कार्यकारी दण्डाधिकारी,
इन्दौरा, जिला कांगड़ा, हिमाचल प्रदेश।

ब अदालत श्री प्रताप सिंह ठाकुर, कार्यकारी दण्डाधिकारी एवं तहसीलदार, इन्दौरा, जिला कांगड़ा,
हिमाचल प्रदेश

तारीख पेशी : 20-8-2013

श्री अजीत सिंह पुत्र श्री अमर सिंह, निवासी गांव मलोट, डाकखाना भोजपुर, तहसील इन्दौरा, जिला कांगड़ा, हिमाचल प्रदेश . . प्रार्थी।

बनाम

आम जनता

. . प्रत्यार्थी।

विषय.—प्रार्थना—पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 के अन्तर्गत जन्म तिथि पंजीकरण करने बारे।

प्रार्थी श्री अजीत सिंह पुत्र श्री अमर सिंह, निवासी गांव मलोट, डाकखाना भोजपुर, तहसील इन्दौरा, जिला कांगड़ा ने प्रार्थना-पत्र प्रस्तुत करते हुए निवेदन किया है कि उसके लड़के हरदीप सिंह का जन्म दिनांक 23-9-1991 को गांव मलोट, तहसील इन्दौरा में हुआ है लेकिन अज्ञानतावश उसकी जन्म तिथि को ग्राम पंचायत घोडन, तहसील इन्दौरा, जिला कांगड़ा के अभिलेख में पंजीकृत न करवाया जा सका है। अतः जन्म तिथि को पंजीकृत करने के आदेश देने की अनुमति प्रदान करें।

अतः इस इशतहार द्वारा सर्वसाधारण को सूचित किया जाता है कि उक्त हरदीप सिंह पुत्र श्री अजीत सिंह की जन्म तिथि को पंजीकृत करने बारे किसी व्यक्ति को कोई भी एतराज हो तो वह असातन या वकालतन दिनांक 20-8-2013 को प्रातः 10.00 बजे अदालत हजा में हाजिर होकर अपना एतराज पेश कर सकता है। कोई एतराज पेश न होने की सूरत में जन्म तिथि को पंजीकृत करने के आदेश पारित कर दिए जाएंगे।

आज दिनांक 8-7-2013 को मेरे हस्ताक्षर व मोहर अदालत सहित जारी हुआ।

मोहर।

प्रताप सिंह ठाकुर,
कार्यकारी दण्डाधिकारी,
इन्दौरा, जिला कांगड़ा, हिमाचल प्रदेश।

ब अदालत सहायक समाहर्ता प्रथम श्रेणी एवं कार्यकारी दण्डाधिकारी, बैजनाथ, जिला कांगड़ा (हि0 प्र0)

Smt. Raina Devi w/o Shri Sher Singh, निवासी गांव डूहक, डाकघर चौबीन, तहसील बैजनाथ, जिला कांगड़ा, हिमाचल प्रदेश।

बनाम

आम जनता

प्रार्थना-पत्र जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

Smt. Raina Devi w/o Shri Sher Singh, निवासी गांव डूहक, डाकघर चौबीन, तहसील बैजनाथ, जिला कांगड़ा, हिमाचल प्रदेश ने इस अदालत में प्रार्थना-पत्र गुजारा है कि उसके पुत्र सुनील कुमार का जन्म दिनांक 11-10-1989 को मुहाल चौबीन में हुआ था परन्तु इस बारे पंचायत के रिकॉर्ड में पंजीकरण नहीं करवाया जा सका। अब पंजीकरण करने के आदेश दिए जाएं।

अतः इस नोटिस के माध्यम से सर्वसाधारण को सूचित किया जाता है कि यदि किसी व्यक्ति को उपरोक्त पंजीकरण के बारे में कोई उजर/एतराज हो तो वह दिनांक 22-8-2013 को सुबह 10.00 बजे इस न्यायालय में असातन या वकालतन हाजिर आकर पेश कर सकता है अन्यथा उपरोक्त जन्म का पंजीकरण करने के आदेश दे दिए जाएंगे। उसके उपरान्त कोई एतराज न सुना जाएगा।

आज दिनांक 23-7-2013 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर।

हस्ताक्षरित /—
कार्यकारी दण्डाधिकारी,
बैजनाथ, जिला कांगड़ा (हि0 प्र0)।

ब अदालत पदमा छेरिंग, कार्यकारी दण्डाधिकारी, तहसील मनाली, जिला कुल्लू, हिमाचल प्रदेश

श्री नितिन पुत्र स्व० श्री वीर सिंह, निवासी गांव चचोगा, डाकघर मनाली, तहसील मनाली, जिला कुल्लू, हिमाचल प्रदेश।

बनाम

आम जनता

विषय.—प्रकाशन इश्तहार बाबत मृत्यु तिथि पंजीकरण जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस बनाम आम जनता।

श्री नितिन पुत्र स्व० श्री वीर सिंह, निवासी गांव चचोगा, डाकघर मनाली, तहसील मनाली, जिला कुल्लू, हिमाचल प्रदेश ने इस न्यायालय में आवेदन—पत्र मय शपथ—पत्र गुजारा है कि उसकी माता श्रीमती आंगमो देवी की मृत्यु दिनांक 23-2-1999 को हुई थी परन्तु उनकी मृत्यु तिथि ग्राम पंचायत वशिष्ट के रिकॉर्ड में दर्ज नहीं की गई है। जिसे अब दर्ज करवाने के आदेश दिए जावें।

अतः सर्वसाधारण को इस इश्तहार द्वारा सूचित किया जाता है कि यदि किसी व्यक्ति को श्रीमती आंगमो देवी की मृत्यु तिथि दर्ज करवाने बारे आपत्ति हो तो वह दिनांक 19-8-2013 को या इससे पूर्व अदालत हजा में अपनी आपत्ति दर्ज करवा सकता है। इसके उपरान्त कोई भी उजर एतराज मान्य न होगा तथा नियमानुसार मृत्यु तिथि दर्ज करवाने के आदेश पारित कर दिए जाएंगे।

आज दिनांक 15-7-2013 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर।

पदमा छेरिंग,
कार्यकारी दण्डाधिकारी,
मनाली, जिला कुल्लू, हिमाचल प्रदेश।

ब अदालत कार्यकारी दण्डाधिकारी, तहसील मनाली, जिला कुल्लू, हिमाचल प्रदेश

श्री पुनीत शर्मा पुत्र श्री कैलाश चन्द शर्मा, निवासी गृह संख्या 195, वार्ड नं० 7, नजदीक नवीन होटल मनाली, तहसील मनाली, जिला कुल्लू, हिमाचल प्रदेश।

बनाम

आम जनता

विषय.—विवाह पंजीकरण बारे।

नोटिस बनाम आम जनता।

श्री पुनीत शर्मा पुत्र श्री कैलाश चन्द शर्मा, निवासी गृह संख्या 195, वार्ड नं० 7 नजदीक नवीन होटल मनाली, तहसील मनाली, जिला कुल्लू, हिमाचल प्रदेश ने इस न्यायालय में आवेदन—पत्र मय शपथ—पत्र गुजारा

है कि उसने अरुणा शर्मा पुत्री श्री प्रेम चन्द, निवासी गृह संख्या 121, वार्ड नं० 5, सरबरी बाजार कुल्लू, हिमाचल प्रदेश से दिनांक 19-9-2010 को हिन्दू रीति-रिवाज के मुताबिक विवाह कर लिया है। विवाह नगर परिषद् मनाली के अभिलेख में दर्ज नहीं हुआ है तथा दर्ज करने हेतु आवेदन किया है।

अतः सर्वसाधारण को इस इशतहार द्वारा सूचित किया जाता है कि यदि उपरोक्त विवाह को नगर परिषद् मनाली के अभिलेख में दर्ज करने बारे किसी को कोई आपत्ति हो तो वह दिनांक 20-8-2013 को या इससे पूर्व अदालत हजा में अपनी आपत्ति दर्ज करवा सकता है। यदि उक्त विवाह के बारे कोई आपत्ति प्राप्त न हुई तो यह समझा जाएगा कि उक्त विवाह बारे किसी को एतराज न है तथा विवाह दर्ज करने बारे आदेश पारित कर दिए जाएंगे।

आज दिनांक 18-7-2013 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर।

हस्ताक्षरित /—
कार्यकारी दण्डाधिकारी,
मनाली, जिला कुल्लू, हिमाचल प्रदेश।

**In the Court of Shri Vinay Singh (H.A.S.), Marriage Officer-cum-Sub-Divisional Magistrate,
Kullu, District Kullu, Himachal Pradesh**

In the matter of :

1. Shri Tushar Saini, aged 26 years s/o Shri Anil Kumar Saini, r/o Sheela Chowk, P.O. Sidhpur, Tehsil Dharamshala, District Kangra (H.P.).
 2. Smt. Anchal Marwah, aged 26 years d/o Shri Ashok Kumar Marwah, r/o Gandhi Nagar, Tehsil & District Kullu (H.P.)
- . . . Applicants.

Versus

General public

Subject.—Proclamation for the registration of marriage under section 16 of Special Marriage Act, 1954.

Shri Tushar Saini and Smt. Anchal Marwah have filed an application on dated 8-7-2013 alongwith affidavits in the court of undersigned under section 16 of Special Marriage Act, 1954 that they have solemnized their marriage on 22-9-2012 and they are living as husband and wife since then, hence their marriage may be registered under Special Marriage Act, 1954.

Therefore, the general public is hereby informed through this notice that any person who has any objection regarding this marriage can file the objection personally or in writing before this court on or before 9-8-2013. The objection received after 9-8-2013 will not be entertained and marriage will be registered accordingly.

Issue today on 8-7-2013 under my hand and seal of the Court.

Seal.

VINAY SINGH,
*Marriage Officer-cum-Sub-Divisional Magistrate,
Kullu, District Kullu, Himachal Pradesh.*
